

MHN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
3-26-2008
MAR 26 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

BANKS

Plaintiff,

vs.

PEOPLE OF THE STATE OF
ILLINOIS et al

Defendants.

Case No. 08 CV 01044

Judge John A. Nordberg

NOTICE OF HEARING

TO:


DOROTHY BROWN, CLERK
CIRCUIT COURT OF COOK COUNTY
2650 S. California Room 526
Chicago, Illinois 60608

COOK COUNTY STATE'S ATTY.
2650 S. California
Chicago, Illinois 60608

PLEASE TAKE NOTICE that the undersigned, Larry Maurice Banks ("Banks") named as Defendant in the state court proceeding 06 CR 2566601 has caused a Notice of Removal to be filed in the above-captioned United States District Court. A copy of such Notice of Removal is included herewith.

PLEASE TAKE FURTHER NOTICE that U.S. District Judge John A. Nordberg has scheduled a hearing thereon on April 30, 2008, at 2:30 p.m. in the courtroom usually occupied by him at the Dirksen Federal Courthouse, 219 S. Dearborn, Chicago, Illinois.

March 22, 2008



Larry Maurice Banks, in want of counsel
Larry Maurice Banks, Inc.
c/o Elgin Mental Health Center Unit F
750 South State Street
Elgin, Illinois 60123

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BANKS

Plaintiff,

vs.

PEOPLE OF THE STATE
OF ILLINOIS, et al
Defendants.

Case No. 08 CV 1044

Judge John A. Nordberg

CERTIFICATE OF SERVICE


TO:

DOROTHY BROWN, CLERK
CIRCUIT COURT OF COOK COUNTY
2650 S. California Room 526
Chicago, Illinois 60608

COOK COUNTY STATE'S ATTY.
2650 S. California
Chicago, Illinois 60608

Larry Maurice Banks does hereby certify that he has caused the above-named individuals to be served by placing copies of the following documents in the U.S. Mails on March 24, 2008, 1st Class Postage Prepaid, Certified – Return Receipt Requested, and addressed as above indicated:

1. NOTICE OF REMOVAL;
2. PETITION FOR REMOVAL; and
3. NOTICE OF HEARING.



Larry Maurice Banks, in want of counsel
Larry Maurice Banks, Inc.
c/o Elgin Mental Health Center Unit F
750 South State Street
Elgin, Illinois 60123

[illegible]

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
PLAINTIFF,)

vs.) No. 06 CR 25666 01

LARRY BANKS,)
DEFENDANT.)


NOTICE OF REMOVAL

TO: DOROTHY BROWN, CLERK
CIRCUIT COURT OF COOK COUNTY
2650 S. California Room 526
Chicago, Illinois 60608

COOK COUNTY STATE'S ATTY.
2650 S. California
Chicago, Illinois 60608

PLEASE TAKE NOTICE that the undersigned, Larry Maurice Banks (“Banks”) named as Defendant in the state court proceeding 06 CR 25666 01 has caused a Notice of Removal to be filed in the above-captioned United States District Court. A copy of such Notice of Removal is included herewith.

March 22, 2008


Larry Maurice Banks, in want of counsel
Larry Maurice Banks, Inc.
c/o Elgin Mental Health Center Unit F
750 South State Street
Elgin, Illinois 60123

cft

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

Larry Maurice Banks

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

People of the State of
IL, et al

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

FILED
FEB 20 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff)

- Citizen: 08CV1044
JUDGE NORDBERG
MAGISTRATE JUDGE MASON
Citizen:
Foreign Country:
DEF ☐ 4
☐ 5
☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Revol. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj.	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 363 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyright <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inv. Security Act	<input type="checkbox"/> 861 HRA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Retained or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

 CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☐ No
VIII. This case ☐ is not a refiling of a previously dismissed action.
☐ is a refiling of case _____, previously dismissed by Judge _____

DATE

FEB 20 2008

SIGNATURE OF ATTORNEY OF RECORD

KC (did not provide civil cover sheet)

CH

**In The United States District Court
For The Northern District
Of Illinois**

KC **FILED**
FEB 20 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Larry Maurice Banks

Vs.

People of the State of Illinois

Judge William Lacy

08CV1044
JUDGE NORDBERG
MAGISTRATE JUDGE MASON

Inquiry to Judge

Coversheet

This inquiry is a manifesto to inform the Honorable Judge in the cause of 28 U.S.C. section 1443(1), 1446(c) traffic act of 1960 that the defendant is indigent and is without the funds to get a certified copy of the record and the transcripts pertaining to the plaintiff's case. Also, due to the defendant invoking his constitutional right to proceed pro'se, the honorable Judge William Lacy has denied the defendant the right to have a copy of the colloquy. The defendant is at the mercy of the court, and if these transcripts are ordered then the defendant's case will have a chance to stand and will verify the allegations of the defendant. Thank you for listening your honor

Respectfully Submitted

Larry Maurice Banks

ctt

**In The United States District Court
For The Northern District
Of Illinois**

RECEIVED
FEB 19 2008
Feb 19 2008
MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT

Larry Maurice Banks

Vs

People of the State of Illinois

Judge William Lacy

08CV1044
JUDGE NORDBERG
MAGISTRATE JUDGE MASON

Notice Of Removal

Now comes Larry Maurice Banks pro'se and pursuant to 28 U.S.C. section 1443(1), 1446 (c)(2) 337(c) Traffic act of 1960 gives notice of removal to the named individuals people of the state of Illinois and Judge William Lacy

Statement Of Facts

- 1) Due to the defendant being detained in the Elgin Mental Health Center because of his race, religious beliefs, and culture, the defendant cannot enforce his rights in the state court which the United States Constitution affords individuals the right to equal protection under the law.
- 2) The petitioner for removal is submitted to the court and Judge William Lacy to give notice of removal.

Respectfully Submitted

Larry Maurice Banks

1

**In The United States District Court
For The Northern District
Of Illinois**

RECEIVED

FEB 19 2008

**MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT**

Larry Maurice Banks

Vs

People of the state of Illinois

Judge William Lacy

**08CV1044
JUDGE NORDBERG
MAGISTRATE JUDGE MASON**

Petition for Removal

Now comes the petitioner Larry Maurice Banks pro'se, and pursuant to 28 U.S.C. section 1443(1),1446(c)(2) traffic act of 1960 and seeks removal of the instant action to this court. In support of the instant notice of removal, petitioner states as follows.

- 1) The instant criminal action was brought against the petitioner by States Attorney Mike Hogan on a felony complaint form charging the defendant with drive to left of center 9-40-100(a) INSURANCE-operate MTR vehicle without 625 ILcs55.0/3-707, Drivers license permit-fail to carry/display 625 ILcs5.0/5-112, Theft of lost mislaid property 725 ILcs 5.0/16.2 and 720 ILcs5/12-4(a) aggravated battery
- 2) The petitioner was transferred to cook county on October 31, 2006 before the Honorable Josphe Thomas Hennelly and the original cases were called to acknowledgement and Judge Thomas gave the petitioner a three hundred thousand (300,000) USD bond and found probable cause to send the case to 51st Wentworth before the honorable Adam Bourgeois in branch 48.

- 3) On November 6, 2006, during the petitioner's preliminary hearing, the petitioner informed the court that he was invoking his 6th amendment right and was proceeding pro'se. When the honorable Judge Adam Bourgeois was informed by the petitioner that he wished to proceed pro'se, the Judge denied the petitioner his fundamental constitutional right and forced attorney Alexander on the petitioner. Attorney Alexander was informed that the petitioner won't proceed pro'se and proceeded in the hearing against the defendant's wishes.
- 4) On November 6, 2006 Attorney Alexander allowed the state's attorney to amend the complaint which in turn left the petitioner unable to object and waived the petitioner's rights to confront the states attorney case of improper search and seizure.
- 5) Upon information and belief, onn November 6, 2006 Judge Adam Bourgeois and the states attorney and public defender Alexander were working together to deny the petitioner's constitutional rights. Due to this, the petitioner was denied the right to have a fair hearing and due to this the petitioner's fundamental constitutional rights were violated.
- 6) On November 6, 2006 the court had another ex-parte hearing and the states attorney Mike Hogan brought an information charge with 14 counts of several attempt first degree murder and Judge Adam Bourgeois only found probable cause on 720Ilcs 5/12.4(a) aggravated battery
- 7) On November 29, 2006 Judge Paul p. Beible jr. was informed of the information charge and sent the petitioner to Bridgeview on the information charge of 14 counts which has no basis.
- 8) On December 6, 2006 Judge Victoria Stewart arraigned the petitioner. The public defender came to speak with the petitioner and the

petitioner informed the public defender that he wishes to invoke his 6th amendment right to proceed pro'se. When Judge Victoria Stewart informed the petitioner that she was appointing the public defender, and the petitioner informed Judge Victoria Stewart that he is invoking his 6th amendment right to proceed pro'se. Judge Victoria Stewart became mad and informed the petitioner that if he goes pro'se that she was going to treat the petitioner as a lawyer. The petitioner then informed Judge Victoria Stewart to continue with the proceedings. Judge Victoria Stewart read the information charges and asked the petitioner how he was pleading to the charges. The petitioner objected and informed Judge Victoria Stewart that he was charged with 14 counts and that the information was incorrect and that the petitioner had a preliminary hearing which Judge Adam Bourgeois found probable cause on aggravated battery and nothing else. Judge Victoria Stewart became angry and asked the petitioner if he wanted an S.O.J. (Transfer of Judge) and she transferred the case back to cook county to Judge Paul p. Beible jr. to appoint another judge.

- 9) On December 29, 2006 Judge Paul .p Beibel jr. transferred the case back to Bridgeview and Judge Thomas Davy was appointed to handle the case. Due to Judge Davy being on vacation, Judge Walaluski was standing in for Judge Davy. The petitioner's charges were read and the petitioner objected and proceeded to make an oral argument, and Judge Walaluski informed the petitioner that he couldn't make an oral argument and stopped the petitioner from bringing up the issue that the petitioner was being illegally detained on information which the states attorney brought against him.

- 10) On January 17, 2007 due to the fact that the petitioner had filed a motion to proceed pro'se and motion for discovery which Judge Thomas Davy denied, Judge Thomas Davy ordered a hearing to see if the petitioner was fit to stand trial.
- 11) The petitioner was found unfit to stand trial on June 13, 2007 and was sent to cook county. The petitioner filed a motion to have a jury decide on the petitioner's fitness which Judge Paul p. Beibel jr. granted. The petitioner was then sent to courtroom 205 before the Honorable Judge William Lacy, and public defender Stewart Smith was forced upon him.
- 12) On June 25, 2007 before Judge William Lacy, the petitioner informed the Judge that the public defender wasn't in the petitioner's best interest. Judge William Lacy informed the petitioner to talk to the attorney and the petitioner stated that he wants another attorney because the public defender failed to secure the transcripts for appeal. The petitioner filed a motion for an independent competing evaluation, and the Judge denied the petitioner's motion stating that the petitioner's request was a waste of tax payer's money.
- 13) On July 25 and 26, 2007 the petitioner's fitness trial didn't have any African Americans on the jury, and due to the petitioner being on trial because of his religious way of life, culture, and race. The states attorney's case was built on the issues of the petitioner's sovereign status. The petitioner informed the court that this has nothing to do with the case in general, and Judge Colhgan allowed the states attorney to continue to attack the petitioner's religious way of life, culture and race.

14)The petitioner was found unfit because of three (3) reasons and the constitution protects a citizen or a non-citizen from prosecution because of his religious way of life or his culture or race. Due to the following, the petitioner seeks to remove the case to the federal court because the petitioner is being prosecuted due to his religious way of life, culture and race. The petitioner's records show that he's being detained in the Elgin Mental Health Center due to his religious way of life, culture and race. Each day that the petitioner is detained in the Elgin Mental Health Center is an infringement of his fundamental constitutional rights. The petitioner fears that he is not being treated under equal protection of the law due to his religious way of life, culture and race and the petitioner prays that this case be removed to the United States District court for the Northern District of Illinois Eastern Division.

See exhibit "A" Transcripts of preliminary hearing

See exhibit "B" disposition of November 6, 2006

See exhibit "C" transcripts of 10/31/06

See exhibit "D" transcripts of 7/25/07 7/26/07

See exhibit "E" transcripts of ex-parte proceedings 11/14/06 and 11/29/06

See exhibit "F" transcripts of Judge Victoria Stewart 12/6/2005

See exhibit "G" transcripts of Judge Waloluski, 12/29/06

See exhibit "H" transcripts of Judge Thomas Davy 1/17/07

Certificate of Service

Now comes the plaintiff and submits a true and correct copy of the following notice of removal and petition for removal to the united states district clerk for the northern district located at 219 South Dearborn Chicago Illinois 60604, and also a copy of the following to Cook County Clerk Denise Barnes.

Respectfully Submitted
Larry Maurice Banks

Larry Maurice Banks